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10/532,702	04/26/2005	Masahiro Yuhara	ARGM-110US	2677

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EXAMINER	
NGUYEN, NAM V	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/532,702	YUHARA, MASAHIRO	
	Examiner	Art Unit	
	NAM V. NGUYEN	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 14-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 14-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This communication is in response to applicant's Amendment which is filed December 20, 2007.

An amendment to the claims 1-2 and 8-15 has been entered and made of record in the application of Yuhara for an "authentication system" filed April 26, 2005.

Claims 10-13 are cancelled. A new set of claims 16-19 are introduced.

Claims 1-9 and 14-19 are now pending in the application.

Response to Arguments

In view of applicant's amendment to amend the claims 1 and 7-10 to obviate the 35 U.S.C. §112 rejections for insufficient antecedent basis, therefore, examiner has withdrawn the rejection under 35 U.S.C §112, second paragraph.

Applicant's arguments with respect to claims 1-9 and 14-19, filed December 20, 2007 have been fully considered but are moot in view of the new ground(s) of rejection.

Furthermore, examiner wants to point out that Applicant's amendment and argument are not the same as applicant's examplary embodiment describe in the Specification page 15 lines 17 to 31 and Figure 2. The Step 45 call out for when a storage device 21-23 is inserted into a

holder, the ID of the storage device is obtained by the certification apparatus 30. The certification apparatus 30 determines if the storage device is master storage device 21 (Step 47). If the inserted storage device is determined to be the master storage device 21, the certification apparatus 30 determines if the ID of another storage device 22-23 has been stored (Step 49). That is, the certification apparatus 30 determines if another device has been certified as an authorized device. If another device has been certified as an authorized device, the process is terminated (Step 50) and the red LED 32b illuminate for one second to indicate an error message. Thus, "...said certification means is operative to certify that whether the master storage device or not and the process is terminated or error message occur if said storage means has stored therein said identification information of said authorized storage device," is not the same as recited in claim 1, which is "...said certification means is operative to certify that said master storage device is not said authorized device if said storage means has stored therein said identification information of said authorized storage device,". In other words, the process is terminated is not the same as "not authorized device".

Furthermore, in the claim 1, "…a certification apparatus including certification means for certifying whether each of said storage devices is an authorized device authorized to operate components mounted on a vehicle", examiner believes that once the certification apparatus is verified that the identification information of the master storage device is valid, the master storage device is an authorized device.

Additionally, when the certification system starts at the beginning of the programming process, the storage device (i.e. the authorized storage device, particularly) has never been stored in the memory (i.e. the storage device), therefore, if the identification information of the master

card is valid, the master card is the authorized device by default. Therefore, the example given on first paragraph of page 11 and argument is not persuasive.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2, 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1-2, the phrase "said certification means is operative to certify that said master storage device is not said authorized device if said storage means has already stored therein said identification information of said authorized storage device" is confusing and unclear. It is not understood what is meant by such a limitation. If the master device is not valid, how authorized storage device ever exist because authorized storage device certified (by master storage device) as being said authorized device. The master device must be an authorized device before checking or verification of the authorized storage device. It is not clear what limitation/condition that the certification means for certifying. Is "not authorized device" means not valid, error message and process is terminated as in specification?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 14-16 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Treharne et al. (US# 5,508,694).

Referring to claims 1, 14, 16 and 19, Treharne et al. disclose an apparatus and a key-activated security device (i.e. a certification system) (column 2 lines 4 to 8; see Figure 1) comprising:

a valid key and unprogramed/spare keys (i.e. a plurality of storage devices) each storing therein security code (i.e. identification code data) (column 2 lines 34 to 37; see Figures 1 and 4); and

a CPU (20) (i.e. a certification apparatus) including certification means for certifying whether or not each of said valid key (i.e. storage devices) is an authorized device authorize to enter a program mode to program the spare keys (column 2 lines 38 to 49; see Figures 1 to 2);

said valid key and said spare/programmed keys (i.e. a plurality of storage devices) includes programmed keys (i.e. an authorized storage device) to be certified as being said authorized device, and the valid key (i.e. a master storage device) to be used to certify said authorized storage device as being said authorized device (column 2 lines 50 to 63; see Figures 2 and 3).

said CPU (20) (i.e. a certification apparatus) includes a lock cylinder (12) (i.e. an obtaining means) for obtaining said identification information stored in each of said keys (i.e. storage devices) (column 2 lines 38 to 46; see Figure 1),

a memory (18) (i.e. storage means) for storing therein information (column 2 lines 6 to 14), and

a CPU (20) (i.e. also a storage control means) for controlling said the memory (18) (i.e. storage means) (column 2 lines 6 to 14),

a CPU (20) (i.e. also a certification means) is operative to certify whether each of said keys (i.e. storage devices) is said authorized device on the basis of said identification information of each of said key (i.e. storage devices) obtained by said lock cylinder (12) (i.e. an obtaining means), and said information stored in said memory (18) (i.e. storage means) (column lines 38 to 48; see Figures 1 to 3),

said CPU (20) (i.e. also a certification means) is operative to certify that said valid key (i.e. master storage device) is valid code and exit (process is terminated) (i.e. not said authorized device) if said storage means (20) has already stored therein said identification information of said unprogramed/spare key (i.e. authorized storage device) (column 3 lines 8 to 22; see Figure 3), and

said a CPU (20) is operative to control said memory (18) (i.e. storage means) to have said storage means (18) store therein said identification information of said unprogramed key (i.e. authorized storage device) obtained by said obtaining means only under the condition that said certification means certifies said valid key (i.e. master storage device) as being said authorized device (column 3 lines 1 to 14; see Figure 3).

Referring to Claims 2 and 15, Honda discloses a certification system, to the extent as claimed with respect to claims 1 and 14 above, and the system further including a second unprogrammed keys with new code (i.e. a second authorized storage devices) (column 2 lines 18 to 24; column 3 lines 34 to 40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treharne et al. (US# 5,508,694) as applied to claim 1 above, and in view of Anzai et al. (US# 6,271,745).

Referring to claim 3, Treharne et al. disclose the certification system as set forth in claim 2, however, Treharne et al. did not explicitly disclose in which components mounted on said vehicle which said first authorized storage device are to be authorized to use include one or more components mounted on said vehicle other than components mounted on said vehicle which said second authorized storage device are to be authorized to use.

In the same field of endeavor of identification and authorization system for motor vehicle, Anzai et al. teach that in which operating door and start engine (i.e. components mounted on said vehicle) which said first authorized driver (i.e. first authorized storage device) are to be authorized to use include operating door and start engine (i.e. one or more components mounted on said vehicle) other than components mounted on said vehicle which said (second authorized driver (i.e. second authorized storage device) are to be authorized to use (column 6 lines 61 to column 7 line 4; column 8 lines 17 to 33; see Figures 1 and 6) in order to improve security in authorization system for a motor vehicle.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize first authorized driver authorized to operate plurality of operations in a vehicle such that open doors other than start an engine which said second authorized driver authorized to operated taught by Anzai et al. in the security system of Treharne et al. because limited use of the operation in a vehicle depend on the authorized driver would improve security in authorization system for a motor vehicle.

Referring to claims 4-7, Treharne et al. disclose the certification system as set forth in claims 1 and 2, Anzai et al. disclose in which said storage control means is operative to control said storage means to have said storage means delete said identification information of said second authorized storage device therefrom only under the condition that said certification means certifies said first authorized storage device as being said authorized device (column 7 lines 26 to 41; column 8 lines 1 to 16; see Figures 8 and 10) in order to improve security in authorization system for a motor vehicle.

Referring to claim 9, Treharne et al. in view of Anzai et al. discloses a certification system as set forth in any one of claim 4 through claim 7, Anzai et al. disclose further comprising transmitting means for transmitting said identification information to be deleted from said storage means when said identification information is deleted from the storage means (column 6 lines 61 to column 7 line 4; column 8 lines 17 to 33; see Figures 1 and 6) in order to

Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treharne et al. (US# 5,508,694) as applied to claim 1, 2 or 16 above, and in view of Jones (US# 5,479,156).

Referring to claim 8, Treharne et al. disclose the certification system as set forth in claim 1 or 2, however, Treharne et al. did not explicitly disclose further comprising a transmitting means for transmitting said identification information to be stored in said storage when said identification information is stored in said storage means.

In the same field of endeavor of identification and authorization system for motor vehicle, Jones teaches comprising dealer transmitter (12) or customer transmitter (14) (i.e. a transmitting means) for transmitting said identification code (i.e. identification information) to be stored in said storage means when said identification information is stored in said storage means (column 3 line 62 to column 4 line 28; see Figure 2) in order to program the operation of a new identification code from any authorization key.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize using transmitter to transmit identification code to the vehicle system for storing the ID code in the memory taught by Jones in the security system of Treharne et al. because using transmitter transmit ID code to the vehicle system for programming would increase a convenience way of installation and ease of use.

Referring to claim 17, Treharne et al. disclose the certification system as set forth in claim 16, Jones discloses dealer transmitter (12) and customer transmitter (14) (column 4 lines 1 to 6; see Figures 1 and 2) in order to improve security system in reducing vehicle theft.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Treharne et al. (US# 5,508,694) in view of Jones (US# 5,479,156) as applied to claim 17 above, and further in view of Funahashi (US# 7,065,647).

Referring to claim 18, Treharne et al. in view of Jones disclose a certification system as set forth in claim 17, however, Treharne et al. in view of Jones did not explicitly disclose in which said authorized storage device is constituted by a driving license.

In an analogous art, Funahashi disclose an electronic key 2 (i.e. an authorized storage device) is constituted by a driving license (column 16 lines 45 to 55) in order to create a convenient for the user.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize having the electronic key as a portable type authentication communication

device in a driver's license taught by Funahashi in an anti-theft device using identification code of a valid key of Treharne et al. in view of Jones because having a driver's license as the electronic key would provide a convenient way for authenticating the user in operating a vehicle.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Iwamoto et al. (US# 6133,649) disclose a vehicle anti-theft system and method using switching device provided in the vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/N. V. N./
Examiner, Art Unit 2612

March 20, 2008

/Brian A Zimmerman/
Supervisory Patent Examiner, Art Unit 2612